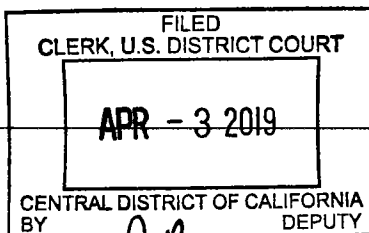


U.S. District Court
Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:19-mj-02969-UA-1
Internal Use Only

Case title: USA v. Avenatti

Date Filed: 03/25/2019

Assigned to: Judge Unassigned



8:19 MJ 241

Defendant (1)**Michael Avenatti**represented by **Sylvie Jill Levine**

Federal Defenders of New York

52 Duane Street, 10th Floor

New York, NY 10007

(212) 417-8700

Fax: (212) 571-0392

Email: sylvie_levine@fd.org

TERMINATED: 03/25/2019

LEAD ATTORNEY

Designation: Public Defender or
Community Defender Appointment**Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Disposition**Terminated Counts**

None

Highest Offense Level (Terminated)

None

Complaints18:1343.F WIRE FRAUD, 18:1344A.F
BANK FRAUD**Disposition****Plaintiff**

CERTIFIED AS A TRUE COPY ON

THIS DATE 3/26/19

BY [Signature] Clerk Deputy

USA

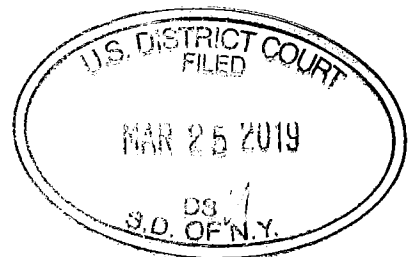
represented by **Robert Benjamin Sobelman**
 U.S. Attorney's Office, SDNY (St
 Andw's)
 One St. Andrew's Plaza
 New York, NY 10007
 (212) 637-2616
 Email: robert.sobelman@usdoj.gov
LEAD ATTORNEY
Designation: Assistant US Attorney

Date Filed	#	Docket Text
03/25/2019		Arrest (Rule 5(c)(3)) of michael Avenatti. (dif) (Entered: 03/26/2019)
03/25/2019	<u>1</u>	RULE 5(c)(3) AFFIDAVIT of James Kim, Special Agent with Internal Revenue Service-Criminal Investigation ("IRS-CI"), from the United States District Court - Central District of California, as to Michael Avenatti. (Signed by Judge Magistrate Judge Katharine H. Parker on 3/25/2019) (dif) (Entered: 03/26/2019)
03/25/2019	<u>2</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Michael Avenatti. Sylvie Jill Levine for Michael Avenatti appointed. (BAIL ONLY). (Signed by Magistrate Judge Katharine H. Parker on 3/29/2019)(dif) (Entered: 03/26/2019)
03/25/2019	<u>3</u>	Minute Entry for proceedings held before Magistrate Judge Katharine H. Parker: Initial Appearance in Rule 5(c)(3) Proceedings as to Michael Avenatti held on 3/25/2019., Deft Appears with Federal Defender Sylvie Levine (BAIL ONLY) and AUSA Robert Sobelman for the government. AGREED CONDITIONS OF RELEASE: \$300,000 PRB; 2 FRP'S; Travel Limited to SDNY/EDNY and Central District of California (& Points in Between for Travel to Court/Personal Lawyer; Temporary Additional Domestic Travel Upon Consent of AUSA and Approval of PTS; Surrender Travel Documents (& No New Applications) Within 48 Hours; Pretrial Supervision As Directed by PTS; Deft to Be Released on Own Signature; Remaining Conditions to Be Met by 4/5/19; Deft Must Not Spend/Transfer \$5,000 or More in a Single Transaction From/To Any Account He Controls W/out First Notifying PTS; Deft to Report to Central District of California on 4/1/ 19 at 2:00 PM; Identity Hearing Waived; Control Date for Removal 4/1/2019 (Preliminary Hearing set for 4/25/2019 on Consent) (dif) (Entered: 03/26/2019)
03/25/2019	<u>4</u>	AGREEMENT TO FORFEIT PROPERTY (OTHER THAN REAL PROPERTY) by Michael Avenatti. Personal Recognizance Bond in the amount of \$ 300,000 PRB, 2 FRP'S; Travel Limited to SDNY/EDNY and Central District of California (& Points in Between for Travel to Court/Personal Lawyer; Temporary Additional Domestic Travel Upon Consent or AUSA and Approval of PTS; Surrender Travel Documents (& No New Applications) Within 48 Hours; Pretrial Supervision As Directed by PTS; Deft to Be Released on Own Signature; Remaining Conditions to Be Met by 4/5/19; Deft Must Not Spend/Transfer \$5,000 or More in a Single Transaction From/To Any Account He Controls W/out First Notifying PTS; Deft to Report to Central District of California on

	4/1/2019 at 2:00 P.M. (dif) (Entered: 03/26/2019)
03/26/2019	RULE 5(c)(3) DOCUMENTS SENT as to Michael Avenatti from the U.S.D.C. Southern District of New York to the United States District Court - District of Central District of California. Sent original file along with documents numbered 1 to 4, certified copies of: Rule 5(c)(3) Documents, the docket sheet, and letter of acknowledgment. on 3/26/2019. (dif) (Entered: 03/26/2019)

Approved: Robert B. Sobelman
ROBERT B. SOBELMAN
Assistant United States Attorney

Before: THE HONORABLE KATHARINE H. PARKER
United States Magistrate Judge
Southern District of New York



UNITED STATES OF AMERICA

- v. -

MICHAEL J. AVENATTI,

Defendant.

RULE 5(c)(3)
AFFIDAVIT

19 MAG 29 6

SOUTHERN DISTRICT OF NEW YORK, ss:

JAMES KIM, being duly sworn, deposes and says that he is a Special Agent with the Internal Revenue Service-Criminal Investigations ("IRS-CI"), and charges as follows:

On or about March 22, 2019, the United States District Court for the Central District of California issued a warrant for the arrest of "Michael J. Avenatti" based on an a Complaint charging him with violations of 18 U.S.C. §§ 1343 (wire fraud) and 1344 (bank fraud).

I believe that MICHAEL J. AVENATTI, the defendant, who was arrested in the Southern District of New York by Special Agents with the United States Attorney's Office for the Southern District of New York ("USAO-SDNY"), IRS-CI, and the Federal Bureau of Investigation ("FBI") on or about March 25, 2019, is the same individual as "Michael J. Avenatti" who is wanted in the Central District of California.

The bases of my knowledge and for the foregoing charge are, in part, as follows:

1. I am a Special Agent with IRS-CI. I have been directly involved in determining whether MICHAEL J. AVENATTI, the defendant, is the same individual as the "Michael J. Avenatti" named in the arrest warrant issued on March 22, 2019,

CERTIFIED AS A TRUE COPY ON

THIS DATE 3/26/19

BY: () Clerk (x) Deputy

by the United States District Court for the Central District of California. Because this Affidavit is submitted for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned.

2. Based on my involvement in this investigation, I have learned, among other things, the following:

a. On or about March 22, 2019, the United States District Court for the Central District of California issued a warrant for the arrest of "Michael J. Avenatti" (the "Arrest Warrant"). A copy of the Arrest Warrant is attached hereto as Exhibit 1 and incorporated by reference herein.

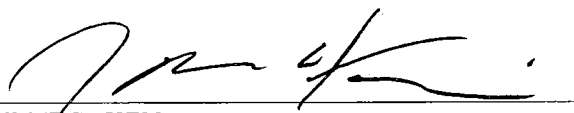
b. The Arrest Warrant was issued in connection with a Complaint charging "Michael J. Avenatti" with violations of 18 U.S.C. §§ 1343 (wire fraud) and 1344 (bank fraud). A copy of the Complaint is attached hereto as Exhibit 2 and incorporated by reference herein.

3. Based on my participation in this investigation, I have learned, among other things, that at approximately 12:39 p.m. on or about March 25, 2019, MICHAEL J. AVENATTI, the defendant, was arrested in the Southern District of New York by Special Agents with USAO-SDNY, IRS-CI, and the FBI, and pursuant to the Arrest Warrant issued by the United States District Court for the Central District of California.

4. I have reviewed a photograph ("Photograph-1") of "Michael J. Avenatti" that, based on my participation in this investigation, I know depicts the individual named in the Arrest Warrant.

5. Based on my review of Photograph-1 and my in-person interactions with MICHAEL AVENATTI, the defendant, at the time of his arrest in the Southern District of New York, I believe that AVENATTI is the same person as "Michael Avenatti," who is wanted in the Central District of California.

WHEREFORE, deponent respectfully requests that MICHAEL AVENATTI, the defendant, be imprisoned or bailed as the case may be.

A handwritten signature in black ink, appearing to read 'James Kim', written over a horizontal line.

JAMES KIM
Special Agent
Internal Revenue Service-
Criminal Investigations

Sworn to before me this
25th day of March, 2019.

A handwritten signature in black ink, appearing to read 'Katharine H. Parker', written over a horizontal line.

THE HONORABLE KATHARINE H. PARKER
United States Magistrate Judge
Southern District of New York

EXHIBIT 1

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA, <div style="text-align: center;">PLAINTIFF,</div> <div style="text-align: center;">v.</div> MICHAEL J. AVENATTI <div style="text-align: center;">DEFENDANT(S)</div>	WARRANT FOR ARREST ON COMPLAINT CASE NO.: SA 19 - 241 M
---	---

To: UNITED STATES MARSHAL AND ANY AUTHORIZED UNITED STATES OFFICER

YOU ARE HEREBY COMMANDED to arrest **MICHAEL J. AVENATTI** and bring him forthwith to the nearest Magistrate Judge to answer a complaint charging him with Bank Fraud, in violation of Title 18, United States Code, Section 1344(1), and Wire Fraud, in violation of Title 18, United States Code, Section 1343.

REC: BY AUSAs Julian L. André and Brett A. Sagel [Detention]

MARCH 22, 2019
Date

Name of Magistrate Judge

DOUGLAS F. McCORMICK

Signature of Magistrate Judge

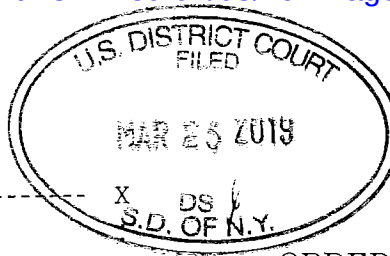
RETURN		
This warrant was received and executed with the arrest of the above-named defendant at (location):		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

DESCRIPTIVE INFORMATION FOR DEFENDANT CONTAINED ON PAGE TWO

ADDITIONAL DEFENDANT INFORMATION

RACE:	SEX:	HEIGHT:	WEIGHT:	HAIR:	EYES:	OTHER:	
DATE OF BIRTH:		PLACE OF BIRTH:		SOCIAL SECURITY NO.:		DRIVER'S LICENSE NO.	ISSUING STATE
ALIASES:		SCARS, TATTOOS OR OTHER DISTINGUISHING MARKS:					
AUTO YEAR:	AUTO MAKE:	AUTO MODEL:		AUTO COLOR:		AUTO LICENSE NO.:	ISSUING STATE
LAST KNOWN RESIDENCE:				LAST KNOWN EMPLOYMENT:			
FBI NUMBER:							
ADDITIONAL INFORMATION:							
INVESTIGATIVE AGENCY NAME:				INVESTIGATIVE AGENCY ADDRESS:			
NOTES:							

I H-11.Revised 8/2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

0004 2

UNITED STATES OF AMERICA

ORDER APPOINTING COUNSEL
(Federal Defenders of New York, Inc.)Docket # 19 MAG 2969

- v -
MICHAEL C. ARNETT
Defendant

Because the above name defendant has testified under oath or otherwise satisfied this Court that he or she: (1) is financially unable to employ counsel, and (2) does not wish to waive counsel, and because the interest of justice so require, the FEDERAL DEFENDERS OF NEW YORK, INC. is hereby appointed to represent the defendant in the above designated case for the following purpose:

Check one) ☐ all proceedings
☒ bail/presentment only
☐ other (specify) SYLVIS LEVINE

If the case proceeds to the U.S. District Court, the appointment shall remain in effect until terminated or a substitute attorney is appointed.

Date 3/25/19

KATHERINE H. PRITCH
Signature of U.S. Judge or Magistrate Judge
or by order of the Court:

[Signature]
Clerk or Deputy

TO: CLERK OF COURT
United States District Court
Southern District of New York

Federal Defenders of New York, Inc.
52 Duane Street, 10th Floor
New York, New York 10007

Copy 1 – Retain in Magistrate Judge File
 Copy 2 – To Federal Defenders of New York, Inc.
 Copy 3 – To U.S.D.C. Clerks Office (Attn: C.J.A. Clerk)

CERTIFIED AS A TRUE COPY ON

THIS DATE 3/26/19

BY [Signature]
 () Clerk
 (X) Deputy

DOCKET No. 19 MAG 2969

DEFENDANT

Michael Avenatti

AUSA

Robert Sabelman

DEF.'S COUNSEL

Sylvie Levine☐ INTERPRETER NEEDED☒ RETAINED ☒ FEDERAL DEFENDERS ☐ CJA ☐ PRESENTMENT ONLY☐ DEFENDANT WAIVES PRETRIAL REPORT☐ Rule 5 ☐ Rule 9 ☒ Rule 5(c)(3) ☐ Detention Hrg.DATE OF ARREST 3-25-19☐ VOL. SURR.TIME OF ARREST 12:30 p.m.☐ ON WRIT☐ Other: _____TIME OF PRESENTMENT 7 p.m.**BAIL DISPOSITION**☐ SEE SEP. ORDER
☐ SEE TRANSCRIPT☐ DETENTION ON CONSENT W/O PREJUDICE☐ DETENTION: RISK OF FLIGHT/DANGER☐ DETENTION HEARING SCHEDULED FOR: _____☒ AGREED CONDITIONS OF RELEASE☐ DEF. RELEASED ON OWN RECOGNIZANCE☒ \$ 300,000 PRB ☒ 2 FRP☐ SECURED BY \$ _____ CASH/PROPERTY: _____☒ TRAVEL RESTRICTED TO SDNY/EDNY/CDCA and points in between for travel to court/personal lawyer☒ TEMPORARY ADDITIONAL TRAVEL UPON CONSENT OF AUSA & APPROVAL OF PRETRIAL SERVICES☒ SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS) - WITHIN 48 HRS☒ PRETRIAL SUPERVISION: ☐ REGULAR ☐ STRICT ☒ AS DIRECTED BY PRETRIAL SERVICES☐ DRUG TESTING/TREATMT AS DIRECTED BY PTS ☐ MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS☐ DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, ADD CONDITION OF DRUG TESTING/TREATMENT☐ HOME INCARCERATION ☐ HOME DETENTION ☐ CURFEW ☐ ELECTRONIC MONITORING☐ DEF. TO PAY ALL OF PART OF COST OF LOCATION MONITORING, AS DETERMINED BY PRETRIAL SERVICES☐ DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR] ☐ DEF. TO CONTINUE OR START EDUCATION PROGRAM☐ DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON☐ DEF. TO BE DETAINED UNTIL ALL CONDITIONS ARE MET☒ DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS: _____; REMAINING CONDITIONS TO BE MET BY: 4-5-19**ADDITIONAL CONDITIONS/ADDITIONAL PROCEEDINGS/COMMENTS:**

- D must not spend/transfer \$5,000 or more in a single transaction from/to any account he controls without first notifying PTS
- D to report to CDCA on 4-1-19 at 2 p.m.

☐ DEF. ARRAIGNED; PLEADS NOT GUILTY☐ CONFERENCE BEFORE D.J. ON _____☐ DEF. WAIVES INDICTMENT☐ SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C. § 3161(h)(7) UNTIL _____

For Rule 5(c)(3) Cases:

☒ IDENTITY HEARING WAIVED☐ DEFENDANT TO BE REMOVED☐ PRELIMINARY HEARING IN SDNY WAIVED☒ CONTROL DATE FOR REMOVAL: 4-1-PRELIMINARY HEARING DATE: 4-25-19☒ ON DEFENDANT'S CONSENTDATE: 3-25-19

Kathleen H. Paul
UNITED STATES MAGISTRATE JUDGE, S.D. OF N.Y.

CERTIFIED AS A TRUE COPY ON
THIS DATE 3/26/19
BY (1) Clerk (4) Deputy

ORIGINAL

UNITED STATES DISTRICT COURT

for the

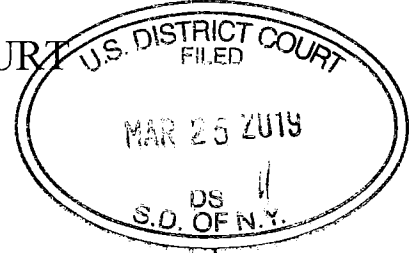
Southern District of New York

United States of America)

v.)

MICHAEL AVENATTI)*Defendant*)

19M2969



APPEARANCE BOND

Defendant's Agreement

I, MICHAEL AVENATTI (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (☒) to appear for court proceedings;
 (☒) if convicted, to surrender to serve a sentence that the court may impose; or
 (☒) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- (☒) (1) This is a personal recognizance bond.
 (☒) (2) This is an unsecured bond of \$ 300,000.
 (☐) (3) This is a secured bond of \$ _____, secured by:
 (☐) (a) \$ _____, in cash deposited with the court.
 (☐) (b) the agreement of the defendant and each surety to forfeit the following cash or other property
 (describe the cash or other property, including claims on it — such as a lien, mortgage, or loan — and attach proof of ownership and value):

 If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- (☐) (c) a bail bond with a solvent surety (*attach a copy of the bail bond, or describe it and identify the surety*):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

CERTIFIED AS A TRUE COPY ON

THIS DATE 3/26/19

BY

() Clerk
() Deputy

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

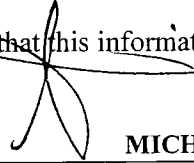
Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 3/25/19



MICHAEL AVENATTI

Defendant's signature -

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

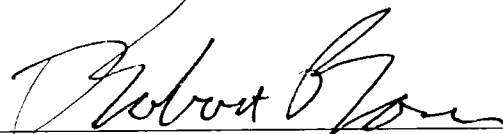
CLERK OF COURT

Date: 3/25/19

Signature of Clerk or Deputy Clerk -

Approved.

Date: 3/25/19



AUSA signature – ROBERT BOONE / ROBERT SOBELMAN

UNITED STATES DISTRICT COURT
for the

Southern District of New York

United States of America
v.

MICHAEL AVENATTI

Defendant

)
)
) Case No. **19M2969**
)
)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____

Place

on _____

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

(☐) (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

(☒) (7) The defendant must:

(☒) (a) submit to supervision by and report for supervision to the **PRETRIAL SERVICES** as directed, telephone number _____, no later than _____.

(☐) (b) continue or actively seek employment.

(☐) (c) continue or start an education program.

(☒) (d) surrender any passport to: **PRETRIAL SERVICES (AND TRAVEL DOCUMENTS WITHIN 48 HOURS)**

(☒) (e) not obtain a passport or other international travel document.

(☒) (f) abide by the following restrictions on personal association, residence, or travel: **SDNY/EDNY/CDCA & POINTS IN-BETWEEN FOR TRAVEL TO COURT/PERSONAL LAWYER**

(☐) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

(☐) (h) get medical or psychiatric treatment: _____

(☐) (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

(☐) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(☐) (k) not possess a firearm, destructive device, or other weapon.

(☐) (l) not use alcohol (☐) at all (☐) excessively.

(☐) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(☐) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

(☐) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

(☐) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

(☐) (i) **Curfew.** You are restricted to your residence every day (☐) from _____ to _____, or (☐) as directed by the pretrial services office or supervising officer; or

(☐) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

(☐) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

(☐) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

(☐) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

(☐) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

ADDITIONAL CONDITIONS OF RELEASE

- (☒) (s) **AGREED CONDITIONS OF RELEASE: \$300,000 PERSONAL RECOGNIZANCE BOND; TO BE COSIGNED BY TWO FINANCIALLY RESPONSIBLE PERSONS; TRAVEL RESTRICTED TO SDNY/EDNY/ CDCA AND POINTS IN BETWEEN FOR TRAVEL TO COURT/PERSONAL LAWYER; TEMPORARY ADDITIONAL DOMESTIC TRAVEL UPON CONSENT OF AUSA AND PTS; SURRENDER TRAVEL DOCUMENTS WITHIN 48 HOURS AND NO NEW APPLICATIONS; PRETRIAL SUPERVISION AS DIRECTED BY PRETRIAL SERVICES; DEFT TO BE RELEASED ON OWN SIGNATURE; REMAINING CONDITIONS TO BE MET 4/5/19; DEFT MUST NOT SPEND/TRANSFER \$5,000 OR MORE IN A SIGNLE TRANSATION FROM/TO ANY ACCOUNT HE CONTROLS WITHOUT FIRST NOTIFYING PTS DEFT TO REPORT TO CDCA ON 4/1/19 AT 2PM.**
-

ADVICE OF PENALTIES AND SANCTIONSTO THE DEFENDANT: **MICHAEL AVENATTI****19 MAG 2969**

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years

and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

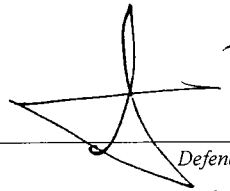
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.


Defendant's Signature - **MICHAEL AVENATTI**

New York, NY

City and State

DEFENDANT RELEASED**Directions to the United States Marshal**

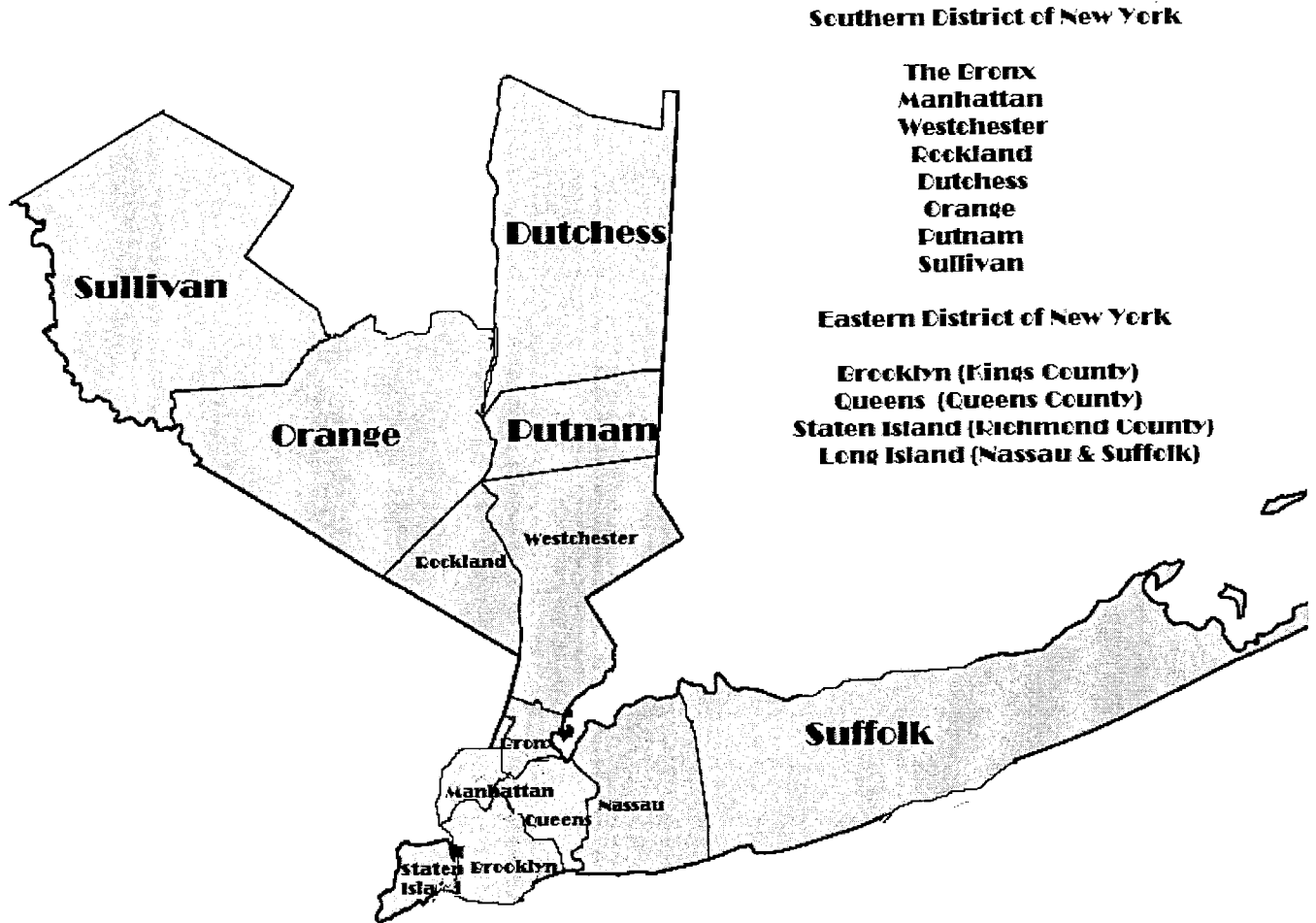
- (☒) The defendant is ORDERED released after processing.
- (☒) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 3/25/19

Judicial Officer's Signature

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL



DOCKET No. 19 MAG 2969DEFENDANT Michael AverettAUSA Robert SabelmanDEF.'S COUNSEL Sylvie Levene☐ INTERPRETER NEEDED☐ RETAINED ☒ FEDERAL DEFENDERS ☐ CJA ☐ PRESENTMENT ONLY☐ DEFENDANT WAIVES PRETRIAL REPORT☐ Rule 5 ☐ Rule 9 ☒ Rule 5(c)(3) ☐ Detention Hrg.DATE OF ARREST 3-25-19 ☐ VOL. SURR.TIME OF ARREST 12:30 p.m. ☐ ON WRIT☐ Other: _____TIME OF PRESENTMENT 7 p.m.**BAIL DISPOSITION**☐ DETENTION ON CONSENT W/O PREJUDICE☐ DETENTION: RISK OF FLIGHT/DANGER☐ SEE SEP. ORDER☐ DETENTION HEARING SCHEDULED FOR: _____☐ SEE TRANSCRIPT☒ AGREED CONDITIONS OF RELEASE☐ DEF. RELEASED ON OWN RECOGNIZANCE☒ \$ 300,000 PRB ☒ 2 FRP☐ SECURED BY \$ _____ CASH/PROPERTY: _____☒ TRAVEL RESTRICTED TO SDNY/EDNY/CDCA and points in between for travel to court/person☒ TEMPORARY ADDITIONAL TRAVEL UPON CONSENT OF AUSA & APPROVAL OF PRETRIAL SERVICES☒ SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS) - WITHIN 48 HRS (CA) lawyer☒ PRETRIAL SUPERVISION: ☐ REGULAR ☐ STRICT ☒ AS DIRECTED BY PRETRIAL SERVICES☐ DRUG TESTING/TREATMT AS DIRECTED BY PTS ☐ MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS☐ DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, ADD CONDITION OF DRUG TESTING/TREATMENT☐ HOME INCARCERATION ☐ HOME DETENTION ☐ CURFEW ☐ ELECTRONIC MONITORING ☐ GPS☐ DEF. TO PAY ALL OF PART OF COST OF LOCATION MONITORING, AS DETERMINED BY PRETRIAL SERVICES☐ DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR] ☐ DEF. TO CONTINUE OR START EDUCATION PROGRAM☐ DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON☐ DEF. TO BE DETAINED UNTIL ALL CONDITIONS ARE MET☒ DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS: _____; REMAINING CONDITIONS TO BE MET BY: 4-5-19**ADDITIONAL CONDITIONS/ADDITIONAL PROCEEDINGS/COMMENTS:**

- D must not spend/transfer \$5,000 or more in a single transaction from/to any account he controls without first notifying PTS
- D to report to CDCA on 4-1-19 at 2 p.m.

☐ DEF. ARRAIGNED; PLEADS NOT GUILTY☐ CONFERENCE BEFORE D.J. ON _____☐ DEF. WAIVES INDICTMENT☐ SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C. § 3161(h)(7) UNTIL _____

For Rule 5(c)(3) Cases:

☒ IDENTITY HEARING WAIVED☐ DEFENDANT TO BE REMOVED☐ PRELIMINARY HEARING IN SDNY WAIVED☒ CONTROL DATE FOR REMOVAL: 4-1-19PRELIMINARY HEARING DATE: 4-25-19☒ ON DEFENDANT'S CONSENTDATE: 3-25-19

Kathleen H Paul
UNITED STATES MAGISTRATE JUDGE, S.D.N.Y.